



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

August 2, 2023

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Christian Salazar**
Tax Registry No. 951195
Brooklyn Court Section
Disciplinary Case No. 2022-24534

The above named member of the service appeared before Assistant Deputy Commissioner Paul M. Gamble on January 30, 2023, and was charged with the following:

DISCIPLINARY CASE NO. 2022-24534

1. Said Police Officer Christian Salazar, while on duty and assigned to the 75th Precinct, on or about May 10, 2021, failed to make entries in his activity log, as required.

P.G. 212-08, Page 1, Paragraph 1

ACTIVITY LOGS

2. Said Police Officer Christian Salazar, while on duty and assigned to the 75th Precinct, on or about May 10, 2021, improperly deactivated his body-worn camera.

**P.G. 212-123, Pages 1-2, Paragraph 4,
Pages 3-4, Paragraphs 8-12**

**USE OF BODY-WORN
CAMERA**

3. Said Police Officer Christian Salazar, while assigned to the 75th Precinct, on or about and between May 30, 2021 and October 19, 2021, made inquiries in Department databases that were unrelated to official Department business.

P.G. 219-14, Page 1, Paragraph 2

**DEPARTMENT COMPUTER
SYSTEMS**

4. Said Police Officer Christian Salazar, while assigned to the 75th Precinct, on or about and between May 10, 2021 and October 2021, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: Said Police Officer Salazar did contact a person known to the Department, who is a domestic violence victim in incident that he responded to while on duty and within his capacity as a police officer, for the purpose of engaging in a personal, romantic and/or sexual relationship.

**A.G. 304-06, Page 1, Paragraph 1
P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

5. Said Police Officer Christian Salazar, while assigned to the 75th Precinct, on or about and between October 28 2021 and May 3, 2022, impeded an investigation by intentionally making false official statements during his Department interviews.

A.G. 304-10, Page 1, Paragraphs 1 and 3

**FALSE OR MISLEADING
STATEMENTS**

6. Said Police Officer Christian Salazar, while assigned to the 75th Precinct, on or about October 28 2021, failed to provide accurate and current personal information or update said information with the Department, to wit: said Police Officer Salazar did not update his phone number in his Department records.

A.G. 304-16, Page 1, Paragraph 1

**PERSONAL INFORMATION
VIA DEPARTMENT INTRANET**

In a Memorandum dated March 8, 2023, Assistant Deputy Commissioner Paul M. Gamble found Police Officer Christian Salazar guilty of all Specifications in Disciplinary Case No. 2022-24534, after Police Officer Salazar entered a plea of guilty to all Specifications. Having read the Memorandum and analyzed the facts of this matter, I approve of the findings, but disapprove the penalty.

I have considered the totality of the circumstances and issues concerning the misconduct for which Police Officer Salazar has been found guilty, and deem that separation from the Department is warranted. However, instead of an outright dismissal from the Department, I will permit an alternative manner of separation from the Department for Police Officer Salazar at this time.

It is therefore directed that, in lieu of dismissal, an *immediate* post-trial settlement agreement be implemented with Police Officer Salazar in which he shall forfeit thirty (30) suspension days without pay (to be served), be placed on one (1) year dismissal probation, forfeit all time and leave balances, and immediately file for vested-interest retirement.

Such vested-interest retirement shall also include Police Officer Salazar's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Police Officer Salazar does not agree to the terms of this vested-interest retirement agreement as noted, this Office is to be notified without delay. This agreement is to be implemented *IMMEDIATELY*.



Edward A. Caban
Police Commissioner



POLICE DEPARTMENT

March 8, 2023

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2022-24534
Police Officer Christian Salazar	:	
Tax Registry No. 951195	:	
Brooklyn Court Section	:	

-----X

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Lauren Silverstein, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth and London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

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PERSONAL INFORMATION VIA
DEPARTMENT INTRANET

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on January 30, 2023. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, the Tribunal finds Respondent, in accordance with his pleas, Guilty of Specifications 1, 2, 3, 4, 5, and 6, and recommends that Respondent's employment be terminated.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent testified that he engaged in an inappropriate relationship with a complainant he met while performing translation services for her when she reported being a victim of domestic violence (T. 32-33). He admitted to deactivating his body-worn camera while he spoke to the complainant as he assisted her in completing a Domestic Incident Report, then asked her for her Instagram handle (T. 36, 52). He further admitted to communicating with her through a texting application, which utilized a private telephone number assigned to him (T. 38-39, 55, 84). Respondent testified that he and the complainant exchanged photographs using Snapchat, acknowledging that the complainant sent him nude pictures (T. 60-61). He admitted that he did not create an activity log entry summarizing his interaction with the complainant or amend his personnel records to add the telephone number associated with the TextNow app (T. 36-37).

Respondent testified that he looked up the complainant's name and telephone number in Department databases; he claimed, however, he did so only to retrieve her telephone number, as he would delete her contact information from his mobile phone after each instance where he contacted her (T. 39, 68-69). He further claimed that he had met the complainant twice inadvertently while performing police duties (T. 41, 81).

Respondent admitted to having lied to investigators when he denied: possessing a private telephone number associated with the TextNow instant messaging app, as well as maintaining the app; having any social media accounts; and using the name “David” in messages he sent using the TextNow app (T. 43-44, 46, 63). At the mitigation hearing, he persisted in denying that he met the complainant or that they had a sexual relationship (T. 20, 38, 40-42, 47). He admitted that when he gave the investigators false answers, he hoped the misleading responses would lead to the investigation being closed (T. 77-78, 80). He also admitted that he made misleading statements to prevent his wife from discovering his relationship with the complainant (T. 39, 43, 59). He conceded during the hearing that he had communicated with the complainant immediately before his first Departmental interview on October 28, 2021, despite his assertion to investigators that day that he had not spoken with her in months (T. 80, 84). He further admitted that when he told investigators in the same interview that he had lost interest in the relationship, that assertion was untrue, as he contacted the complainant continuously within a week after the first Departmental interview (T. 80-81).

Respondent admitted that he exhibited bad judgment but claimed he met the complainant when his marriage was difficult, and they “bonded” over their mutual life challenges (T. 34-35, 57). He denied looking for an intimate relationship and asserted he just wanted a friend to talk with (T. 47-48, 56-57, 59-60, 71). He stated further that he had not discussed the details of the Internal Affairs investigations or disclosed his relationship with the complainant, with his wife, as of the mitigation hearing. He also claimed to have sought counseling for himself (T. 44-45).

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department’s Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances,

including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined (*See* 38 RCNY § 15-07). Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on July 6, 2011, has been found, in accordance with his pleas, guilty of: (1) communicating with a domestic violence victim to engage in a personal, romantic, or sexual relationship; (2) impeding an investigation by making several false official statements; (3) improperly searching Department databases; (4) improperly deactivating his body-worn camera; (5) failing to make activity log entries; and (6) failing to update the Department of all telephone numbers assigned to him.

The Department Advocate has recommended termination, and I concur with their recommendation.

The presumptive penalty for making a false official statement is termination.¹

The penalties for conduct prejudicial to the good order and efficiency of the Department range from training to termination.

The presumptive penalty for intentional failure to record a prescribed event is 20 penalty days; the aggravated penalty is 30 days, and the mitigated penalty is ten days.

¹ Specification 5 alleges that Respondent "impeded an investigation by intentionally make [sic] false official statements during his Department interviews." The drafting of this charge conflates two separate allegations of misconduct within the same specification. The citation to Administrative Guide procedure 304-10, page 1, paragraphs 1 and 3 refers to "Intentionally making a false official statement" and "Making, or causing to be made, an inaccurate official statement," respectively. The evidence proffered by the Department, and the Respondent's admissions during his allocution, establish to the Tribunal's satisfaction that he made several false official statements during his October 28, 2021, Department interview. His retraction of several of those false statements during his May 3, 2022, interview does not operate as a bar to a charge of making a false official statement at the October 28, 2021, interview (see Disciplinary Guidelines, p. 32, **Retraction**). Respondent also admitted during the hearing that he made the above-described false statements to end the investigation; in other words, impeding the investigation. Based upon the foregoing, the Tribunal recommends a penalty consistent with the most serious misconduct embraced by the pleading, supported by the evidence adduced at the hearing: making a false official statement.

The presumptive penalty for misuse of computer devices is ten penalty days; the aggravated penalty is 20 days, and the mitigated penalty is five days.

In previous cases, Respondents who pursued and engaged in inappropriate relationships with victims have faced penalties ranging from a loss of 15 vacation days to a combination of suspension days, vacation days, and dismissal probation (*Disciplinary Case No. 2016-16043* [Aug. 2, 2019])[Twelve-year member of service forfeited ten suspension days, 30 vacation days and was placed on dismissal probation. Respondent pleaded guilty to (1) initiating and engaging in an inappropriate relationship with a victim of domestic violence in a pending criminal matter; (2) failing to make proper activity log entries concerning a home visit made to the domestic violence victim; and (3) wrongfully utilizing a Department vehicle to conduct non-Department business and allowing an unauthorized person to sit in the vehicle. Respondent initially visited the victim because she resided in his precinct, but the domestic assault occurred in another precinct.]; *Disciplinary Case No. 2020-21755* [Sept. 13, 2021])[Ten-year member of service forfeited 15 vacation days for engaging in a personal relationship with a former complainant. The evidence established that the personal relationship began after the professional relationship ended and was consensual, in that, Respondent's actions were not predatory, and he did not seek a relationship with the complainant]). In another case where a Respondent engaged in inappropriate relationships with civilians, he was terminated (*Disciplinary Case No. 2019-20392* [Sept. 1, 2021])[20-year Member of Service terminated after pleading guilty to (1) arresting an individual and subsequently contacting her in an attempt to pursue a romantic relationship [two counts]; (2) responding to a domestic dispute, providing his cell phone number to the female complainant and contacting her repeatedly to commence a personal relationship; (3) offering money to an individual in exchange for sexually-oriented photographs and kissing; (4) failure to

prepare a property clerk's invoice for property he seized; (5) computer misuse; and (6) making misleading statements during a Department interview; and (7) making false official statements. The Tribunal noted that Respondent took advantage of women in vulnerable situations for his personal needs in three separate enforcement situations]).

Respondent pleaded guilty to Specification 5, specifically, to “imped[ing] an investigation by intentionally making false official statements during [his] Department interviews” (T. 15). He admitted that during his first Department interview, he denied (a) using an alias to communicate with the complainant; (b) denied using the texting app to communicate with her; and (c) denied sending the complainant text messages which were shown to him. During his second Department interview, he admitted that he made those statements during his first Department interview knowing that they were untrue (T. 18).

Respondent admitted at the mitigation hearing that during his first Department interview, he asserted that he had not spoken with the complainant in months when he had spoken to her several days before the interview (*Id.*, 79-80).

Counsel for Respondent argued that Respondent’s denial of his relationship with the complainant during his first Departmental interview should have been mitigated by the fact that disclosure of the connection at that time would have been embarrassing. The Disciplinary Guidelines do recognize a potential mitigating factor for false official statements concerning misconduct, which itself “is not a presumptive termination act and [where] the nature of the statement is such that it was made with the intent to avoid embarrassment (particularly in the context of interpersonal relationships or health conditions)” (Disciplinary Guidelines, p. 34, **Additional Potential Mitigating Factors**).

Suppose Respondent had only denied that he had a physical relationship with the complainant and later admitted that he did have a physical relationship with her. In that case, this potential mitigating factor is arguably appropriate. In this case, however, Respondent never admitted that the relationship became physical; in fact, he continued to deny that it had at the mitigation hearing. The Department Advocate did not attempt to establish in a rebuttal case that the relationship had turned physical. Accordingly, Respondent cannot avail himself of a factor to mitigate an allegedly false official statement whose falsity he disputes and which the Department's evidence has not established to be so. Moreover, Respondent's pursuit of a personal relationship with the complainant and the means by which he sought to do so were the primary focus of the investigation. If the mitigating factor were to apply, it is more likely that it would do so in a case where the personal relationship was ancillary to the alleged misconduct under investigation.

Turning to the facts in this record, Respondent denied recognizing text messages, which he should have understood as documentary evidence of his interactions with the complainant at that time. He further denied having a telephone number associated with his use of a text messaging app as well as having the app. At that point, it would have been illogical for Respondent to believe that the complainant had not disclosed the relationship to the Department and that the Internal Affairs investigators came into possession of his telephone records by happenstance.

It is noteworthy that Respondent spoke with the complainant a few days before and after his first Department interview. Assuming, for the sake of argument, that he had any doubt before the interview that she had told investigators that they had been involved in a personal relationship and detailed how they communicated, he could not reasonably have doubted that

reality after the interview. His failure to correct the record immediately after discovering how the investigators were in a position to ask him such pointed questions suggests a denial of a higher order. Respondent hoped that his refusal to admit to the existence of obvious, irrefutable facts would result in the investigators being satisfied with his answers and letting the matter drop. Respondent admitted at the hearing to hoping his denials would lead to an end to the investigation.

Second, once he had been confronted with evidence of his relationship with the complainant, he maintained most of his denials until a subsequent Department interview six months later. While he belatedly admitted that he had been untruthful in his first interview, he continued to deny that he had met the complainant or that the relationship had become intimate. At the mitigation hearing, Respondent admitted that even after being modified and reassigned, he never told his wife his professional situation up to and including the day of trial.

Based upon the foregoing, it is difficult for this Tribunal to characterize Respondent's posture during the mitigation hearing as repentant or contrite; instead, he acquiesced to the inevitable findings of the investigation and made a legally sufficient factual proffer to enter provident guilty pleas.

Just as disturbing as Respondent's lack of honesty is his decision to forge a personal relationship with a victim of domestic violence, regardless of the state of his marriage at the time. During his first Departmental interview, Respondent admitted that he was aware that the complainant had recently been kidnapped at knifepoint after having her door kicked in by a former boyfriend. His initial meeting with her was to provide translation services and assist her in filling out a domestic incident report.

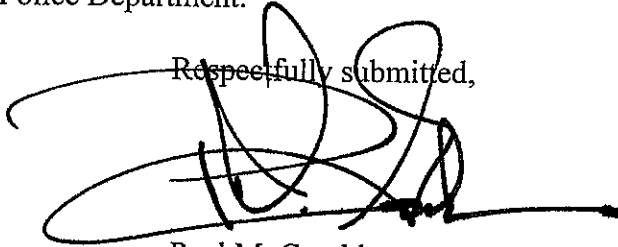
It is incomprehensible that Respondent did not consider how vulnerable a person is after becoming the victim of a crime. Regardless of his marital status, his pursuit of a personal relationship with a crime victim he met while performing official police duties was unseemly. According to his admissions, he began texting the complainant and hiding the existence of this communication within a day of meeting her. During his interview with her, he deactivated his body-worn camera in violation of the Patrol Guide. I do not credit his assertion that he believed it was permissible to turn off the camera while he was completing paperwork with her; instead, I find that he deliberately turned off his camera to avoid documenting his ill-timed, selfish overture. Finally, he continued to engage with the complainant after she sent him nude photographs, which I find to be evidence that he was well aware that the relationship, however he chose to characterize it at the hearing, was intimate.

Both Respondent's decision to pursue a relationship with the complainant and how he sought to hide the relationship are prejudicial to good order, discipline, and efficiency in this Department. Members of Service perform their duties for the benefit of the public; as such, they must hold the public trust or risk failing in their public safety mission. While this Tribunal is not blind to the shortcomings of human beings as they engage in interpersonal relationships, especially during difficult times, Members of Service voluntarily agree to hold themselves to a higher standard than the citizens they serve.

Unfortunately, Respondent's behavior, in this case, tarnishes an otherwise exemplary employment history. What is more unfortunate is that his misconduct may negatively skew how the public views Members of Service in general, undermining the ability of this Department to carry out its duties.

Based upon an evaluation of all the evidence, I recommend that Respondent be
DISMISSED from the New York City Police Department.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Paul M. Gamble
Assistant Deputy Commissioner Trials

DISAPPROVED

AUG 02 2023


EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER CHRISTIAN SALAZAR
TAX REGISTRY NO. 951195
DISCIPLINARY CASE NO. 2022-24534

Respondent was appointed to the Department on July 6, 2011. On his three most recent annual performance evaluations, he was rated “Exceeds Expectations” for 2020, 2021, and 2022. He has been awarded seven medals for Excellent Police Duty.

Respondent has no formal disciplinary history.

In connection with the instant matter, Respondent was placed on Level 1 Discipline monitoring on June 17, 2022; monitoring remains ongoing.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials